UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,052	01/05/2001	Jun Liu	MS1-711US	4697

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EXAMINER
LIANG, GWEN

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/756,052	LIU ET AL.
	Examiner	Art Unit
	GWEN LIANG	2172

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,5,8,9,11,12,15,21,23,25-30,32 and 33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5,8,9,11,12,15,21,23,25-30,32 and 33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment C, filed on 1/30/04.

Specification

2.   The disclosure is objected to because of the following informalities:

"simple cannot provide" (page 5, line 6) is an improper use of English language.

Appropriate correction is required to be made to the aforementioned and any

other informalities existing in the disclosure.

Claim Objections

3.   Claims, 1, 8, 15 and 21 are objected to because of the following informalities:

With regard to claim 1, the preposition "of", in line 20, is an improper use of

English language and should be changed to "in".

Claims 8 and 15 are similarly objected based on the reasons given for claim 1.

With regard to claim 15, the claim language "coupled to", in line 10, should be

changed to "stored in" to correctly describe the claimed subject matter.

With regard to claim 15, the preposition "to", in line 17, is an improper use of

English language and should be changed to "in".

With regard to claim 21, a comma "," should be inserted between "group" and

"compress", in line 6, to enhance the readability of the claim language.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 1, 8, 15, 21 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the claimed subject matter "using the processed image", in lines 12-13, renders the claim indefinite because it is unclear whether the clause "using the processed image" is describing "the processed image" or "deriving a unique identifier".

Claim 1 recites the limitation "the processed images". There is insufficient antecedent basis for this limitation in the claim.

Claims 8, 15, 21 and 29 are similarly rejected based on the reasons given for claim 1.

Response to Arguments

6.   Applicant's arguments with respect to all the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 21, 23, 25-30, 32 and 33 are rejected under 35

U.S.C. 103(a) as being unpatentable over Stuart ("Netware Mobile extends network to

off-line users"), further in view of Spanbauer ("Happy 2000-or 1900!. Qwerty versus

Dvorak. Stop a hard disk from churning"), further in view of Suzuki et al, "Suzuki", (EP

Patent No. 1,150,207), and further in view of Miller et al, "Miller", ("Using Content-

Derived Names for Package Management in Tcl").

With respect to claim 1, Stuart discloses a method ...comprising:

assigning each of a plurality of data files to one of a plurality of specific

corresponding downloadable file groups (See for example: col. 3 – col. 4, wherein

administrators can create file groups consisting of commonly shared files which users

can download in one shot); and

selectively sending parts of files that have changed from the source device to the

client device (See col.1 – col. 2, wherein users have the option of only updating parts of

files that have changed).

However Stuart does not explicitly teach a method comprising compressing

together all assigned data files, deriving a unique identifier ..., generating a listing of

unique identifiers, storing the processed images and the listing ..., comparing the listing

of unique identifiers ... and selectively sending processed images ...

Spanbauer teaches a method that for each downloadable file group,

compressing together all assigned data files to form one processed image for the

downloadable file group (See for example: page 2 paragraph 12 – page 3 paragraph 1,

wherein as collection of files are compressed into one or more archive files, it is obvious

that these archive files are processed images each contain files compressed into a

group corresponding to an archive file);

deriving a unique identifier for the processed image (See for example: page 2

paragraph 12 – page 3 paragraph 1, wherein it is obvious that each archive file is

identified by a unique file name)

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to compress assigned data files to form one processed image as

disclosed by Spanbauer for the files assigned to a group as taught in Stuart to speed

and simplify downloading (See for example: page 3 paragraph 1). One of ordinary skill

in the art would be motivated to make the aforementioned combination with reasonable

expectation of success.

However the combination of Stuart and Spanbauer does not explicitly teach a

method comprising deriving a unique identifier for the processed image **using the**

processed image, generating a listing of unique identifiers, storing the processed

images and the listing ..., comparing the listing of unique identifiers ... and selectively

sending processed images ...

Suzuki teaches a method comprising:

generating a listing of unique identifiers; and storing the processed images and

the listing of unique identifiers within a source device (See for example: col. 1 lines 48-

57, wherein the files stored on the server side and will eventually be stored in to the

client are equivalent to the processed images and the update list containing version

specific information illustrate a listing of unique identifiers being generated);

comparing the listing of unique identifiers with a current listing of unique

identifiers of a client device (See for example: col. 2 lines 10-34, wherein the file

specifying part specifies the files to obtain in the latest condition by comparing the local

update list with the update list sent from the server site); and

selectively sending processed images from the source device whose unique

identifiers appear in the listing of unique identifiers but not in the current listing of unique

identifiers in the client device (See for example: col. 2 lines 10-34, wherein the file

specifying part selects the files to obtain in the latest condition by comparing the local

update list with the update list sent from the server site and by requesting the selected

files from the server, the server transfers the selected files to the client).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to incorporate the steps of generating ..., storing ..., comparing ...

and selectively sending ... as disclosed by Suzuki into the file downloading and updating

method as disclosed in the combination of Stuart and Spanbauer in order to provide a

client-server system in which software is automatically updated (See for example: col. 1

lines 40-42). One of ordinary skill in the art would be motivated to make the

aforementioned combination with reasonable expectation of success.

However the combination of Stuart, Spanbauer, and Suzuki does not explicitly

teach a method comprising deriving a unique identifier for the processed image **using**

the processed image.

Miller teaches a method comprising deriving a unique identifier for the processed

image using the processed image (See for example: col. 2 paragraph 3, ".Content-

derived names are computed by hashing the contents of a Tcl package using a secure

hash such as MD5 [6] or SHA-1 [1]").

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to use the content-derived name as disclosed by Miller as a unique

identifier for the processed image as disclosed in the combination of Stuart, Spanbauer,

and Suzuki so that the Tel interpreter can easily find instances of a missing package

over the network and download them, making them available to a running application

(See for example: col. 1 paragraph 2). One of ordinary skill in the art would be

motivated to make the aforementioned combination with reasonable expectation of

success.

Claim 2 is rejected for the reasons set forth hereinabove for claim 1 and

furthermore Suzuki teaches a method wherein the source device includes at least one

server device (See for example: title).

Claim 4 is rejected for the reasons set forth hereinabove for claim 1 and

furthermore Stuart teaches a method wherein assigning data files to downloadable file

groups further includes assigning a plurality of related function data files to one downloadable file groups (See for example: col. 3 – col. 4).

Claim 5 is rejected on grounds corresponding to the reasons given above for claim 1 and furthermore Suzuki discloses a method comprising sending the processed image and the listing of unique identifiers to a client device that stores the processed image and the listing of unique identifiers in a persistent memory (See for example: col. 1 lines 48-57).

Claim 25 is rejected on grounds corresponding to the reasons given above for claim 1 and furthermore Spanbauer discloses a method wherein the one processed image for the downloadable file group has a ".cim" extension (See for example: page 2 paragraph 12 – page 3 paragraph 1, wherein it is obvious that each archive file is identified by a unique file name and a file extension selected for use is just a design choice and therefore does not have any patentable weight).

Claims 8-,9, 11, 12 and 26 are rejected on grounds corresponding to the reasons given above for claims 1, 2, 4, 5 and 25.

Claims 15 and 27are rejected on grounds corresponding to the reasons given above for claims 1 and 25.

Claim 21 is rejected on grounds corresponding to the reasons given above for claim 1, and furthermore Stuart teaches a network (See Title).

Claims 23 and 28are rejected on grounds corresponding to the reasons given above for claims 4 and 25.

Claims 29, 30, 32, 33 are rejected on grounds corresponding to the reasons given above for claims 1, 2, 4, 5.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kerstetter, "netDeploy 3.0 packs lots of ESD power": netDeploy Packer, a development tool for publishing a downloadable catalog of an application's components. The component file can be compressed or uncompressed and then stored on a Web server. A Launcher maintains a cache of downloaded applications, checks for updates against the catalog and downloads only files that have been updated since the last time an application was used.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GWEN LIANG whose telephone number is 703-305-3985. The examiner can normally be reached on 9:00 A.M. - 5:30 P.M. Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

G.L.
4 March 2004

JEAN M. CORRIELUS
PRIMARY EXAMINER